APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,939	02/14/2001	Julian Orbanes	GPH-003A	2324

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/782,939	ORBANES ET AL.
	Examiner	Art Unit
	Mylinh T Tran	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendement filed 05/14/04*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05/14/04* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 05/14/04 has been entered and carefully considered. Claim 1 has been amended. However, limitations of amended claim has not been found to be patentable over the prior art of record, therefore, claims 1-20 are rejected under the same ground of rejection as set forth in the Office Action mailed 11/13/03. Applicant acknowledges the Double Patenting and shall file a disclaimer should patentable subject matter be identified.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Strasnick et al.[US. 5,671,381].

As to claim 1, Strasnick et al. discloses a method for employing one or more data objects contained within at least one data source (column 2, lines 15-33); employing a spatial paradigm to define hierarchical relationships between said data objects (column 4, lines 40-55); and

enabling said user to navigate said data objects in a substantially

unrestricted fashion (column 4, line 51 through column 5, line 15); and

generating an appearance of a subset of said data objects associated

with said spatial paradigm in a virtual space for display from an

adjustable viewing perspective of the user, said appearance being

based on the location of said subset of said data objects in said virtual

space (column 2, lines 32-60 and column 20, lines 20-50), wherein

said virtual space includes a first dimension, a second dimension, and

a third dimension (figure 1, the cells 120 contain data objects 110, a

lot of cells are contained in one dimension, the first layer of cells which

are located on the top (nodes) of the hierarchical tree are contained in

the first dimension, the next layer of cells are contained in the second

dimension and so on...see figure 1, column 4, lines 10-30), said first

dimension corresponding to a plurality of planes within said virtual

space at which one of said data objects can be located (each cell 120

of figure 1 is one plane which contains a lot of data block 110 on it)

and said second and said third dimensions corresponding to a position

of said one of said data objects within a plane, said planes being

located along said first dimension according to said hierarchical

relationship (each of data object (data block) are located on different

position, figure 1).

As to claim 2, Strasnick et al. also discloses determining said

appearance for said subset of said data objects, wherein said

appearance of at least one of said subset of said data objects is

dependent, at least in part, on said hierarchical relationships between

said one and said subset of said objects and said viewing perspective

of said user (column 6, lines 35-50).

As to claim 3, Strasnick et al. teaches changing said appearance in a

seemingly continuous, non-discrete manner in response to said user

commanding an adjustment of said viewing perspective (column 4,

line 52 through column 5, line 20).

As to claim 4, Strasnick et al. shows storing said data objects

associated

with said spatial paradigm in a database according to said hierarchical

relationships (column 19, line 50 through column 20, line 13).

As to claims 5 and 6, Strasnick et al. also shows enabling a third party

to define   at least a portion of said

hierarchical relationships between at least a portion of said data

objects for a particular data source and enabling a third party to

specify said spatial paradigm (column 7, lines 17-56).

As to claim 7, Strasnick et al. also demonstrates re-profiling said at

least one data source to update said data objects stored in said

database (column 6, lines 35-65).

As to claim 8, Strasnick et al. deconstructing at least one prior existing

relationship between said data objects before storing said data objects

in said database (column 6, line 56 through column 7, line 10).

As to claim 9, Strasnick et al. provides extracting data objects associated with said spatial paradigm from at least one Web server computer (column 1, line 25 through column 2, line 35).

As to claim 10, Strasnick et al. also provides extracting said data objects associated with said spatial paradigm from at least one of a legacy database, an algorithm, a simulation, a live information feed, a model, a substantially real-time source, a file system, a file and a storage device (column 19, line 50 through column 20, line 13).

As to claim 11, Strasnick et al. discloses providing said virtual appearance for each of said subset of said data objects by rendering selected details of said subset of said data objects, wherein said selected details approximate a physical appearance that said subset of said data objects would have to the user having said viewing perspective (column 6, line 35 through column 7, line 55).

As to claim 12, Strasnick et al. also discloses defining a virtual distance between a virtual location of said adjustable viewing perspective and virtual locations of said subset of said data objects, determining said appearance of said subset of said data objects, at least in part, in dependence on said virtual distance, and displaying said appearance to said user (column 11, lines 6-65).

As to claims 13 and 14, Strasnick et al. shows displaying more detail for said one of said data objects in response to said virtual distance decreasing and displaying less detail for ones of said data objects in

response to said virtual distance increasing (figures 4A-4B, column 10, line 43 through column 11, line 20).

As to claim 15, Strasnick et al. also shows enabling said user to enter a term, determining a correspondence between any of said data objects and said term, and in response to determining a correspondence, including corresponding ones of said data objects in said subset of said data objects (column 6, line 55 through column 7, line 10).

As to claim 16, Strasnick et al. teaches defining a viewing direction for said user, defining an angle between said viewing direction and at least one of said data objects, and determining said (figures 4A-4B, column 10, line 42 through column 11, line 38).

As to claim 17, Strasnick et al. also teaches fixing said viewing direction (column 11, lines 20-65).

As to claim 18, Strasnick et al. provides defining a virtual position of said user in relation to said subset of said data objects, caching graphical information for one or more data objects virtually located within a predefined vicinity of said user (column 10, line 52 through column 11, line 5), provides employing said cached graphical information to provide said virtual appearance for at least one of said one or more data objects in response to said user navigating within a predefined virtual distance of said at least one of said one or more data objects (column 6, line 35 through column 7, line 50).

As to claim 19, Strasnick et al. discloses determining whether one or more data objects are virtually located within said predefined vicinity in dependence on said hierarchical relationship of said data objects, starting from the virtual position of said user (column 8, lines 11-55). As to claim 20, Strasnick et al. also discloses determining whether one or more data objects are virtually located within said predefined vicinity based on predefined coordinates of said data objects in said virtual space, starting from the virtual position of said user (column 8, lines 11-55).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant has argued that Strasnick et al. does not locate data objects on different planes. However, Strasnick et al. shows multiple cells that contain a lot of data blocks. Each cell could be a plane which is located a lot of data objects on it. The cells 120 contain data objects 110, a lot of cells are contained in one dimension, the first layer of cells which are located on the top (nodes) of the hierarchical tree are contained in the first dimension, the next layer of cells are contained in the second dimension and so on...see figure 1, column 4, lines 10-30.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of

Patents and Trademarks, Washington, D.C. 20231. If applicant

desires fax a response, (703) 746-7238), may be used for formal After

Final communications, (703) 746-7239 for Official communications, or

(703) 746-4395 for Non-Official or draft communications. NOTE, A

Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile

communications. For after final responses, please label "AFTER

FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Mylinh Tran

whose telephone number is (703) 308-1304. The examiner can

normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful,

the examiner 's supervisor, Heather Herndon, can be reached on

(703) 308-5186,

All Internet e-mail communications will be made of record in the

application file. PTO employees do not engage in Internet

communications where there exists a possibility that sensitive

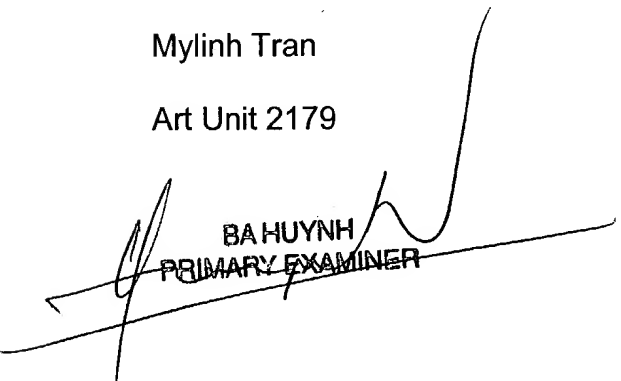information could be identified or exchanged unless the record

includes a properly signed express waiver of the confidentiality

requirements of 35 U.S.C. 122. This is more clearly set forth in the

Interim Internet Usage Policy published in the Official Gazette of the

Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the Group receptionist

whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER